

To: McGrath, Shaun[McGrath.Shaun@epa.gov]
Cc: Hestmark, Martin[Hestmark.Martin@epa.gov]; Monica Morales[Morales.Monica@epa.gov]
From: Daly, Carl
Sent: Fri 12/2/2016 9:11:11 PM
Subject: U&O FIP Update for Shaun to send to the Administrator

Shaun

Per your request. Martin and Monica have reviewed.

UPDATE ON UINTAH & OURAY AIR PROGRAM PROPOSED FEDERAL IMPLEMENTATION PLAN (FIP):

On November 16th several members of the Ute Indian Business Committee met with OAR (Janet McCabe) and OITA (Jane Nishida), along with Region 8 staff to discuss the Tribe's concerns with EPA's draft proposed U&O FIP and how the draft FIP is not consistent with a Tribal Resolution passed earlier in 2016. The main concerns expressed by the tribe were that EPA's consultation with the Tribe was inadequate in their view, that the FIP needs to allow for streamlined permitting for new and modified oil and gas sources if the area becomes nonattainment, and that the proposed FIP cannot be more stringent than what Utah requires on state lands. The Tribe met with OMB the previous day to express the same concerns.

On December 1st, Region 8 staff met with a member of the Business Committee and the Tribe's legal counsel to discuss and respond in more detail to each of the Tribe's principles related to their Resolution concerning the U&O FIP. At the end of the meeting the Tribe's counsel expressed a willingness to request the Business Committee pass a new resolution to support proposal of the draft FIP for existing sources if EPA would commit to participate in a stakeholder working group that would be convened by the Tribe to develop a streamlined regulatory approach for new and modified minor oil and gas sources on the Reservation after the area is designated nonattainment.

Ex. 5 - Deliberative Process, Attorney Client

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Ex. 5 - Deliberative Process, Attorney Client

Carl Daly, Director

Air Program

303-312-6416

From: McGrath, Shaun

Sent: Thursday, December 01, 2016 5:00 PM

To: Daly, Carl <Daly.Carl@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>

Subject: RE: Slides from Ute Tribe Meeting Re the Oil and Gas FIP

After the call with Janet tomorrow, can you put together a paragraph summarizing where we are on the FIP that I can include in my weekend report to the Administrator?

From: Daly, Carl

Sent: Thursday, December 01, 2016 4:05 PM

To: McGrath, Shaun <McGrath.Shaun@epa.gov>; Thomas, Deb <thomas.debrah@epa.gov>; Card, Joan <Card.Joan@epa.gov>

Cc: Hestmark, Martin <Hestmark.Martin@epa.gov>; Morales, Monica <Morales.Monica@epa.gov>; Smith, Claudia <Smith.Claudia@epa.gov>; Ostendorf, Jody <ostendorf.jody@epa.gov>; Figur, Charles <Figur.Charles@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>


Subject: Slides from Ute Tribe Meeting Re the Oil and Gas FIP

Shaun, Deb, and Joan

Attached are the slides we went through verbally today at the meeting with the vice Chairman of the Ute Business Committee and the Tribe's legal counsel.

Ex. 5 - Deliberative Process, Attorney Client

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Thanks

Carl Daly, Director

Air Program

303-312-6416